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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/219,267	12/23/1998	JAY S. WALKER	98-109	2012
22927 7590 06/21/2007 WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905			EXAMINER NGUYEN, TRI V	
			ART UNIT 1751	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/219,267	WALKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tri V. Nguyen	1751	

All participants (applicant, applicant's representative, PTO personnel):

(1) Tri V. Nguyen.

(3) Mike Downs (App. Rep.).

(2) Eric Stamber (SPE).

(4) \_\_\_\_\_.

Date of Interview: 18 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 56.

Identification of prior art discussed: \_\_\_\_\_.

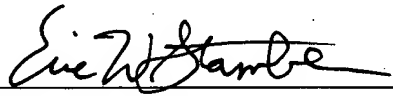
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The interpretation and scope of the invention were clarified based on claim 56 (e.g. selection process, card issuer vs. merchant and fulfillment). Possible amendments were proposed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PROPOSAL #1**FOR DISCUSSION PURPOSES ONLY--DO NOT ENTER**Background on Related Cases for Discussion

09/219267 filed December 23, 1998.

09/282747 filed March 31, 1999 claims priority to 09/219267.

Proposed Interview AgendaI. 09/219267: Claim 56

56. (PROPOSED) A method, comprising:

receiving an indication of at least one item that a customer is ready to purchase from a merchant via a web site, the at least one item having an associated total price;

providing, in response to the received indication, selecting, from a database that includes a plurality of offers, an offer for a reduction in the total price in exchange for applying for a credit card account with a credit card issuer, in which the credit card issuer is not the merchant,providing the offer to the customer via the web site, the step of providing the offer being performed before the at least one item is purchased;

receiving, from the customer, an indication of willingness to apply for a credit card account; and

selling, by the merchant, the at least one item to the customer for less than the total price.I. 09/282747: Claims 83-101

- Contrary to the Office Action [pages 15-17], Katz and Spoor do not "invite" or render obvious any of the specific combinations of features recited in Claims 83-101.
- Specifically, any general concern about a "customer's background and intentions" does not suggest any apparent reason for modifying the cited references to provide "various mouse tracking configurations" (Claims 83-87) or "various browsing patterns" (Claims 88-101).

PROPOSAL #2FOR DISCUSSION PURPOSES ONLY--DO NOT ENTERBackground on Related Cases for Discussion

09/219267 filed December 23, 1998.

Brief Statement on Proposed Amendments

The proposed amendment to Claim 56 (below) would clarify that the selected offer is provided only after the indication that the customer is ready to purchase is received (and not provided unless and until that time). See Specification, page 4, lines 1-3; page 6, lines 13-15 (timeliness of offer at that particular time reduces the chance of "bargain shopping" and inefficient general advertisements). The proposed amendment would also require that none of the items would require a service agreement for its use (in contrast, for example, to purchase of a cellular telephone).

Proposed new claim 56.A would allow for a variety of different types of offers that could be provided. Proposed new claim 56.B specifically would require that all of the items to be purchased were books.

Proposed Claims

56. *(PROPOSED)* A method, comprising:  
receiving an indication of at least one item that a customer is ready to purchase from a merchant via a web site, the at least one item having an associated total price,  
in which none of the at least one item requires a service agreement for its use;  
providing, in response to the received indication, automatically selecting by a computing device, from a database that includes a plurality of offers, an offer for a reduction in the total price in exchange for applying for a credit card account with a credit card issuer,  
in which the credit card issuer is not the merchant,  
the step of providing the offer being performed providing the selected offer to the customer via the web site before the at least one item is purchased but only after receiving the indication of the at least one item that the customer is ready to purchase from the merchant,  
whereby the selected offer is not provided to the customer unless and until the indication is received;  
receiving, from the customer, an indication of willingness to apply for a credit card account; and  
selling, by the merchant, the at least one item to the customer for less than the total price, in accordance with the selected offer.

56.A. *(PROPOSED NEW)* The method of claim 56,  
in which the plurality of offers includes at least one offer that does not require applying for a credit card account.

56.B. *(PROPOSED NEW)* The method of claim 56,  
in which each of the at least one item is a book.